

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-363-C - ORDER NO. 2018-13

JANUARY 10, 2018

IN RE:	Application of Airus, Inc. for a Certificate of)	ORDER APPOINTING
	Public Convenience and Necessity to Provide)	HEARING EXAMINER
	Facilities-Based Local Exchange and Resold)	
	Long Distance Telecommunications Services)	
	and for Flexible Regulation of Its Local)	
	Exchange Services and Alternative)	
	Regulation of Its Long Distance Service)	
	Offerings Within the State of South Carolina)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Commission Staff to appoint F. David Butler, Esquire, Senior Counsel, as a “hearing examiner” for a hearing regarding the Application of Airus, Inc. for a Certificate of Public Convenience and Necessity to Provide Facilities-Based Local Exchange and Resold Long Distance Telecommunications Services in the State of South Carolina. Mr. Butler would hear the evidence in the case without the presence of the Commission. We grant the Motion.

S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may designate. The examiner may not be used in a telephone rate proceeding under the statute. We note that the present proceeding is not a telephone rate proceeding.

Further, 10 S.C. Code Ann. Regs. 103-841 (2012) states that when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the regulation. Section C of the regulation addresses submittal of a proposed order and the process by which an order shall be issued based upon the record of the formal proceeding. We believe that this regulation describes the appropriate procedure for Mr. Butler to employ as a hearing examiner in the present case.

Mr. Butler is a Senior Counsel to the Commission and has been employed in a legal position with the Commission since 1991. We believe that Mr. Butler has the ability and knowledge to properly carry out the hearing examiner's role in this case, and we therefore grant the Motion appointing him as hearing officer in this case.

In accordance with the preceding paragraphs, we make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in non-rate telecommunications hearings.
2. The present proceeding is not a telephone rate proceeding.
3. 10 S.C. Code Ann. Regs. 103-841 (2012) allows a hearing examiner designated by the Commission to preside at a hearing. This regulation sets out the duties and procedures to be employed by that examiner. These duties and procedures should be employed in the present case.

4. Mr. Butler has the ability and knowledge to act as a hearing examiner in the present case.

5. Mr. Butler should be appointed as the hearing examiner in this case.

ORDER

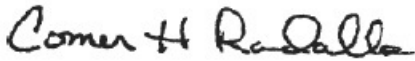
The Commission hereby appoints F. David Butler, Esquire, as the hearing examiner in the present case. Mr. Butler shall follow all applicable statutes and regulations that may pertain to his appointment.

BY ORDER OF THE COMMISSION:



Swain E. Whitfield, Chairman

ATTEST:



Comer H. Randall, Vice Chairman